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## FACSIMILE TRANSMISSION

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Examiner Thaian N. Ton, Group Art Unit 1632 United States Patent and Trademark Office	(571) 272-0736	(703) 872-9306

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<p>From : Steven C. Koerber, Ph. D., Patent Agent</p> <p>Email Address : skoerber@foley.com</p> <p>Sender's Direct Dial : 858.847.6725</p> <p>Date : November 7, 2005</p> <p>Client/Matter No : 073442-0301</p> <p>User ID No :</p>
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## MESSAGE:

Re: United States Patent Application No. 09/675,509

Following are:

- 1) Amendment Transmittal w/ Petition for Extension of Time and Deposit Account Authorization, in duplicate (6 pgs.)
- 2) Amendment and Reply Under 37 CFR 1.111 (13 pgs.)

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PAGE 1/20 \* RCVD AT 11/7/2005 7:18:50 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/26 \* DNIS:2738300 \* CSID: \* DURATION (mm-ss):07-34

NOV 07 2005

Atty. Dkt. No. 073442-0301

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chandler Fulton, et al.

Title: THIAMINASES AND  
THIAMINASE GENES FOR USE  
IN APOPTOTIC THERAPIES

Appl. No.: 09/675,509

Filing Date: 09/29/2000

Examiner: T. Ton

Art Unit: 1632

Conf. No. 1879

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Mercedes F. Dipasupil	(Printed Name)
<i>Mercedes F. Dipasupil</i>	(Signature)
November 7, 2005	(Date of Deposit)

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee	
Total Claims:	17	-	31	=	0	x	\$50.00	=	\$0.00	
Independent Claims:	8	-	8	=	0	x	\$200.00	=	\$0.00	
First presentation of any Multiple Dependent Claims:							+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									=	\$0.00

DLMR\_277198.1

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In re application of  
Fulton et al.  
Application No.: 09/675,509  
Page 2 of 3

Atty. Dkt. No. 073442-0301

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$60.00
TOTAL FEE:		\$60.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$60.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$60.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

DLMR\_277196.1

In re application of  
Fulton et al.  
Application No.: 09/675,509  
Page 3 of 3

Atty. Dkt. No. 073442-0301

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date November 7, 2005

By Steven C. Koerber

FOLEY & LARDNER LLP  
Customer Number: 30542  
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Steven C. Koerber  
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Registration No. 32,327  
Attorney for Applicants

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Atty. Dkt. No. 073442-0301

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fulton, et al.

Title: THIAMINASES AND  
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<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p>Mercedes F. Dipasupil (Printed Name)</p> <p><i>Mercedes F. Dipasupil</i> (Signature)</p> <p>November 7, 2005 (Date of Deposit)</p>
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**AMENDMENT AND REPLY UNDER 37 CFR 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated July 6, 2005, concerning the above-referenced patent application. Applicants have enclosed with this amendment a Petition for Extension of Time to make this response timely.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this document.

Remarks begin on page 7 of this document.

11/08/2005 CNGUYEN 00000030 500872 09675509

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